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District of Nevada

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Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SHAUN DILLON,

Plaintiff,

vs.

ANDREW SAUL,  
Commissioner of Social Security,

Defendant.

Case No.: 3:20-cv-00294-CLB

**DEFENDANT'S NOTICE REGARDING  
PRODUCTION OF CERTIFIED  
ADMINISTRATIVE RECORD**

1 Defendant, Commissioner of Social Security (Commissioner), by his undersigned attorneys,  
 2 provides notice to the Court and Plaintiff that an electronic copy of the certified administrative record (e-  
 3 CAR) has been prepared and can now be filed in this matter. However, the Commissioner advises the  
 4 Court that, at this time, the Office of Appellate Operations (OAO) is not working at full capacity at its  
 5 official worksite in Falls Church, Virginia. A limited number of staff is now permitted to physically enter  
 6 the office to work on a very limited basis. While the e-CAR has been prepared, OAO is still unable to  
 7 provide CD and hard copies of the CAR—which has typically been required in this Court—with any  
 8 regularity, given the limited staff and overall volume of cases.

9 While the Commissioner typically files the e-CAR under seal, as required by the Court, this filing  
 10 is only accessible to the Court and not by the parties through CM/ECF. However, it is Defendant's  
 11 counsel's understanding that a new event has been added to CM/ECF which will allow the Commissioner  
 12 to file the e-CAR under seal and all case participants will have access to the e-CAR. Accordingly, the  
 13 Commissioner requests that he be permitted to file the e-CAR under seal using this new event ("Certified  
 14 Administrative Record under seal") and be relieved of the requirement of preparing CD/hard copies of the  
 15 CAR. This will allow Plaintiff to access the e-CAR through CM/ECF and for the case to move forward  
 16 without delay.

17 If the Court does not wish to relieve Defendant of the requirement to prepare CD/hard copies of the  
 18 CAR, the Commissioner sees no other option than to wait until OAO regains the capacity to provide these  
 19 additional copies of the CAR, which may possibly require seeking another extension upon the expiration  
 20 of the current extension, which requires that the Commissioner file the CAR by September 28, 2020.  
 21 Defendant, however, is ready and able to move forward at this time by filing the e-CAR under seal on  
 CM/ECF.

22 Dated: September 2, 2020

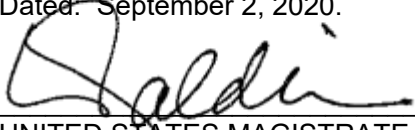
Respectfully submitted,

23 IT IS SO ORDERED.

NICHOLAS A. TRUTANICH  
 United States Attorney

24 Dated: September 2, 2020.

25 /s/ Allison J. Cheung  
 ALLISON J. CHEUNG  
 Special Assistant United States Attorney

26   
 UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **DEFENDANT'S NOTICE REGARDING PRODUCTION OF CERTIFIED ADMINISTRATIVE RECORD** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Cyrus Safa  
[cyrus.safa@rohlfinglaw.com](mailto:cyrus.safa@rohlfinglaw.com)  
Attorney for Plaintiff

Leonard Stone  
[lstone@shookandstone.com](mailto:lstone@shookandstone.com)  
Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 2, 2020

/s/ Allison J. Cheung  
ALLISON J. CHEUNG  
Special Assistant United States Attorney